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20 ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.,  
Plaintiff,  
25 v.  
26 GOOGLE INC.,  
Defendant.

Case No. CV 10-03561 WHA  
**ORACLE'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**  
Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 Pursuant to Civil Local Rules 7-11 and 79-5, plaintiff Oracle America, Inc. ("Oracle")  
2 hereby moves to file under seal the following:

- 3 • Portions of Oracle's Statement Regarding Dr. Kearl's Lack of Compliance with the  
4 Court's Order;
- 5 • The entirety of Exhibits 2-5 to the Declaration of Annette L. Hurst in Support of  
6 Oracle's Statement Regarding Dr. Kearl's Lack of Compliance with the Court's Order  
7 ("Hurst Declaration"); and
- 8 • Portions of Exhibit 6 to the Hurst Declaration.

9 The Order Approving Stipulated Protective Order Subject to Stated Conditions entered in  
10 this case, ECF No. 68, states that when material has been designated as "CONFIDENTIAL" or  
11 "HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY," a party may not file it in the  
12 public record, but must seek to file it under seal pursuant to Civil Local Rule 79-5. Stipulated  
13 Protective Order § 14.4, ECF No. 66. The documents listed above reproduce, summarize, or  
14 quote certain documents marked as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL –  
15 ATTORNEY'S EYES ONLY" pursuant to the Protective Order. Therefore, Oracle moves to seal  
16 the documents listed above.

17 Pursuant to Civil Local Rule 79-5(e), Oracle is required to identify and serve the  
18 declaration supporting this Administrative Motion to Seal upon any party or non-party  
19 designating the material. No party or non-party has appeared to Oracle to assert these  
20 designations. Dr. Kearl has affirmatively disavowed any interest in the confidentiality of the  
21 material. However, Dr. Kearl is also the only non-party in this matter who is subject to the  
22 Court's order. Accordingly, Oracle is serving these materials on Dr. Kearl's counsel with the  
23 expectation that he will disseminate them to anyone who claims an interest herein and is thus  
24 responsible for designating the information.

25 Oracle states no position as to whether disclosure of these materials would cause harm to  
26 Dr. Kearl or any other party.

1 Dated: September 10, 2015

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6 By: /s/ Christina Von der Ahe Rayburn  
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